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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,716	05/30/2001	Hiroshi Urabe	71369-55968	8909

7590

11/22/2004

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**  
Supplemental

Application No.

09/870,716

Applicant(s)

URABE ET AL.

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

1. This office action is a supplemental one to the earlier one mailed on Sep 01, 2004 because claims 15 & 16 were inadvertently omitted in that action.
2. A response has been filed on Dec 02, 2003.
3. Claims being examined are now 1-16
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakacho et al (EP 0945478) in view of Ida et al (US 6337031) or An et al (US 5028347).

Nakacho discloses a flame retardant, which is phosphazene compound, a resin composition and a molded article (abstract). Various thermoplastic resins are used, some of them being a polyamide, modified polyphenylene ether, styrene resin and modified styrene resins (page 10, lines 7-18). Phosphazene compound is described on page 3, line 12 to page 6, line 32 and it reads on the one that is instantly claimed. Composition comprises (a) 100 parts by wt of resin, (b) 0.1 to 100 parts by wt of a flame retardant, and (c) 0.1 to 50 parts by wt of organic phosphorus compound (page 4, lines 6-13). Claimed cyclic phenoxy phosphazene is disclosed on page 33, lines 25-38. Inorganic fillers are describe on page 10, line 39 to page 11, line 18. Glass fibers are one of them (page 10, line 51).

Nakacho does not mention a magnetic powder (of instant claims 10-12).

Ida discloses a flame-retardant resin magnet material comprising a magnetic powder based on ferrite (col. 2, line 65 to col. 3; line 31).

An also describes a flame-retardant magnetic composite resin composition comprising a magnetic powder (col. 9, line 42 to col. 10, line 4).

It would therefore have been obvious to add to the composition of Nakacho, the magnetic powder (of Ida or An) with the expectation of obtaining a molded article such as a magnet, having flame retardant property as well as magnetic property.

Furthermore teaching of An (in col. 3, lines 28-36), would suggest one of ordinary skill in the art to surface treat glass fibers in the flame retardant composition of Nakacho in order to improve dispersibility and thereby enhance mechanical strength and flowability.

6. Claims 1-9 are rejected under 35 U.S.C. 102 (b) as being anticipated by Nakacho et al (EP 0945478).

*NR* 7. Disclosure of Nakacho, presented earlier shows that claims 1-9 lack novelty.

*NR* 7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakacho et al (EP 0945478) in view of Ida et al (US 6337031) or An et al (US 5028347) as applied to claim 1 above, and further in view of White et al (US 4806602).

Combination of Nakacho and Ida or An does not teach modified polyphenylene ether of instant claim 16.

*NR* White describes anhydride <sup>a</sup>capping polyphenylene ether with carboxylic acid.

It would have been obvious to modify polyphenylene ether resin used in the flame retardant composition of Nakacho since such a modified resin is less susceptible to oxidative degradation. Such degradation leads to a composition becoming dark in color and also brittle.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umakant K Rajguru whose telephone number is 571-272-1077. The examiner can normally be reached on Monday thru Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-9306. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rajguru/LR  
November 5, 2004



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700